

From: [EOIR Director \(EOIR\)](#)
To: [All of EOIR](#)
Subject: FY 19 Budget
Date: Wednesday, March 6, 2019 11:06:26 AM

EOIR Colleagues:

As I mentioned in my message to you a few weeks ago regarding EOIR's appropriation, the nature and timing of the FY 2019 budget process has left us considerably short of being able to fulfill all of our current operational needs. The FY 2019 request had to be submitted prior to the FY 2018 enactment, it did not adequately account for significant cost increases, and it could not be changed once those costs became apparent. Although cost increases associated with increased transcription, data analytics, and other operational necessities are part of the story, as many of you know, the most dramatic increase has been in interpreter costs. In FY 2017, interpreter costs were approximately \$17 million. In FY 2018, they increased to almost \$60 million, and in FY 2019, they are expected to approach \$110 million. On a per-IJ basis, this translates to a cost increase from roughly \$50,000 per immigration judge in FY 2017 to nearly \$225,000 per immigration judge this fiscal year.

This challenging budget situation has led us to a position where difficult financial decisions need to be made. Accordingly, I am writing to you today to discuss some of those difficult decisions.

Unfortunately, due to the current budget situation, we will have to forgo an in-person Immigration Judge Training Conference this year. I know that many of you enjoy this time not only to update yourselves on the law and best practices, but also to interact with and learn from your colleagues. Although we cannot afford the \$1 million cost for the conference as we have held it in the past, we are looking at alternatives for training that will meet our needs and be more cost effective. We will provide you additional information as it is available.

Additionally, given our current financial situation, we do not expect to be able to continue to hire and onboard staff at the pace we have previously set, and you may see some delays as we carefully reevaluate vacancies and the priority and urgency with which they need to be filled to best utilize our remaining budget dollars. This will include immigration judges, and at this time we do not anticipate being able to bring on a new class after the one scheduled for April enters on duty. Further, budgetary constraints will affect the implementation of the court staffing model as well as the hiring of roughly 250 attorneys that we need.

An additional budget issue concerns the rollout of ECAS. Due to the delay in receiving our appropriation this year, we did not have funds available to procure all the goods and services necessary to put us in a position to begin rollout on our original timetable. As a result, the nationwide rollout of ECAS will not be able to begin until at least the fall of this calendar year.

Other delays we can expect may involve some of the EOIR projects to build or lease new court space, which may potentially delay completion of certain projects.

We are also making some hard decisions regarding certain contracts and their renewal. For example, EOIR has, for several years, worked with contract staff to support the analytics performed by the Planning, Analysis, and Statistics Division. The period of performance for

this particular task order on the contract concludes at the end of March, and we will not be executing a new task order at this time. This means that EOIR will not have updated data from many of the models or analyses that this team developed, and, thus, we may not be able to provide managers and staff with some of the information we have been able to provide in the past.

After almost two years of rapid growth, I know that these decisions are disappointing, particularly given the expected benefits of both the training conference and a robust ECAS system. The news is not all disheartening, however, and I wanted to also take this opportunity to share with you some of the positive news that we have seen regarding hiring in the field. As you know, over the last year we have engaged in an unprecedented hiring effort in the field. Since October 1, 2018, we have processed nearly 400 personnel actions for OCIJ field staff, including promotions for current staff, new hires, and selections of soon-to-be employees. This is in addition to the 174 immigration judges we have hired over the last two years, nearly 50 of which have entered on duty this fiscal year. All of this hiring represents a significant level of hard work on the part of OCIJ and the Office of Administration.

Finally, the formal FY 2020 budget request will be rolled out in the coming weeks, and we have conveyed our requests and our needs to the Department. Nevertheless, we are cognizant that we are not the only agency with budgetary concerns, and the Department must balance a number of competing interests in the formal budget submission.

We are doing our best at headquarters to ensure that our funds are spent in the most fiscally responsible manner possible, while consistently meeting the needs and mission of the agency. Thank you for your consistent hard work for the agency and for your patience and understanding as we work through this process. The work you put in each day will continue to make EOIR a better place to work, regardless of budgetary situation.

Sincerely,

James McHenry
Director